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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,553	07/10/2003	Qi Bi	67,108-015;Bi 29-18-2-5	2811

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EXAMINER

CUMMING, WILLIAM D

ART UNIT PAPER NUMBER

2683

DATE MAILED: 01/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/616,553

Applicant(s)

QI BI, et al

Examiner

WILLIAM D. CUMMING

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5,7-9,11 and 13-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5,7-9,11 and 13-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

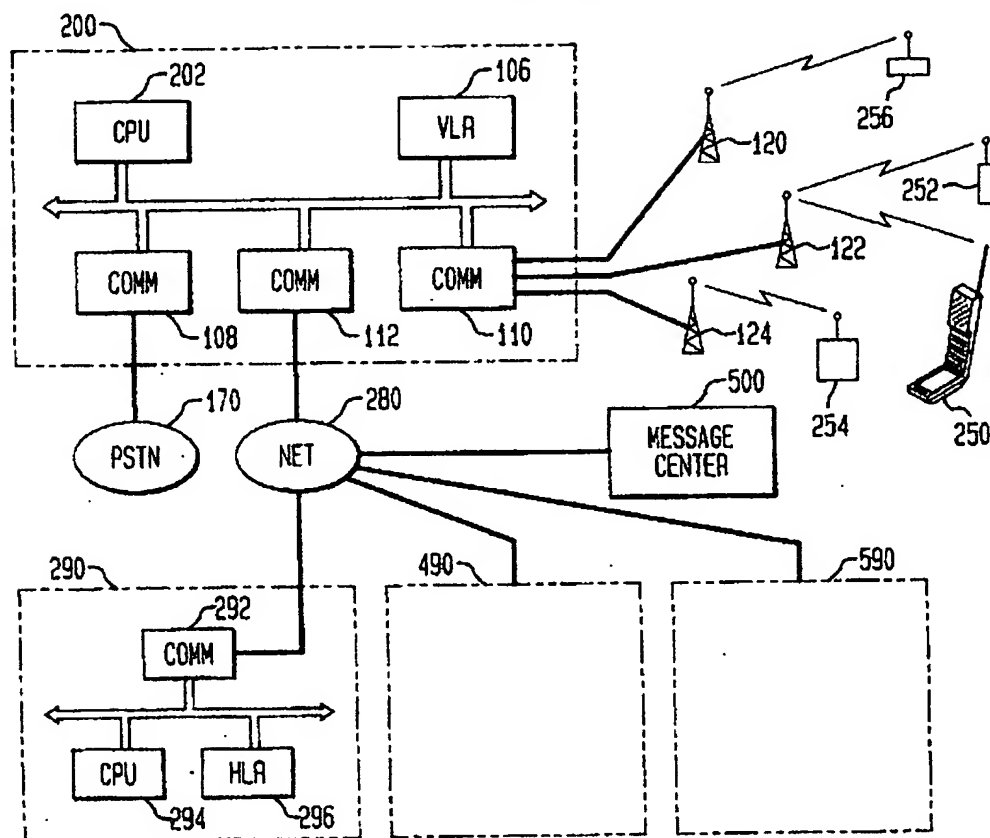
DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:
 1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
3. Claims 1-3, 5, 7,8,9, 11, and 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Amin** in view of **Skubic, et al**

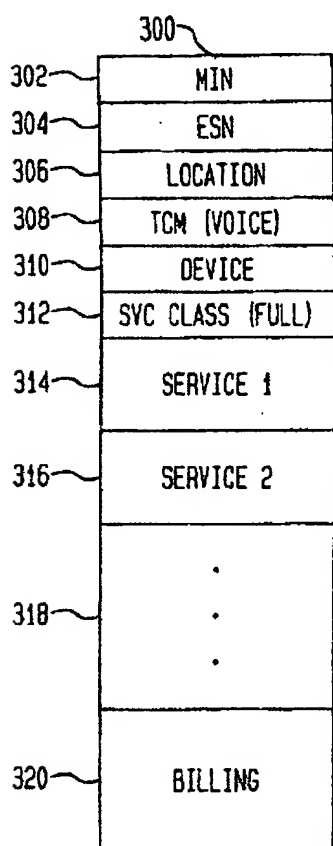
Amin discloses a service support method in a wireless data network (figure 2), comprising associating a user identification code with a service class (figure 3A-D) and servicing a user according to the service class associated with the user identification code (*"In accordance with the present invention, network resources associated with a wireless communication network are managed by ascertaining, for a wireless communication device, a device type and a required service; and assigning the network resources to the wireless communication device in accordance with the device type and the required service.*

FIG. 2



A profile is associated with the wireless communication device. The profile includes a travelling class mark field which identifies the device type of the wireless communication device, and a service class mark field which identifies the required service for the wireless communication device.

Also, in accordance with the present invention, a method and a service control point for managing resources in a wireless communication network are provided. A profile for a wireless communication device is stored in a service control point,

FIG. 3A

and the profile for the wireless communication device is provided in response to a profile request from a mobile service center.

Further, in accordance with the present invention, a method and a mobile service center (MSC) for obtaining information about a wireless communication device and wireless communication service for the wireless communication device are provided.

The MSC determines that the wireless communication device is in the area served by the MSC, and the MSC requests, via a communication network, a profile for the wireless communication device from a service control point which permanently stores the profile. In the present invention, the MSC has no wireless communication devices permanently

associated therewith.”)

Amin does not disclose the step of allocating a temporary user identification code to the user when a session with the wireless data network is open and wherein the temporary user identification code is de-allocated when the session is closed.

Skubic, et al teaches the use of the step of allocating a temporary user identification code to the user when a session with the wireless data network is open and wherein the temporary user identification code is de-allocated when the session is closed (figure 5 and 6) in a wireless data network (figure 2) for the purpose of anonymous communications between devices. Hence, it would have been obvious for one skilled in the art at the time the claimed invention was made to incorporate the use of the step of allocating a temporary user identification code to the user when a session with the wireless data network is open and wherein the temporary user identification code is de-allocated when the session is closed as taught by **Skubic, et al** for the purpose of anonymous communications between devices in the service support method of **Amin** in order to provide no clear indication of the particular user transmitting messages.

Regarding the temporary user identification code is a unicast access terminal identifier, applicants admit that UATI is prior art and well known in the art.

Response to Arguments

4. Applicant's arguments filed November 14, 2005 have been fully considered but they are not persuasive.

Applicant's attorney first argues that **Amin** can not be modify at all and in contradiction to his first argument, that the modification has to be taught by **Amin**. If that is true, the claims would be rejected under 35 USC §102 as anticipated not under 35 USC §103. Applicant's attorney arguments are very faulty, illogical, and contradictory. **Amin** is the primary reference, it discloses does not teach and **Skubic** is the teaching references and all references can be modified. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, it would have been obvious for one skilled in the art at the time the claimed invention was made to incorporate the use of the step of allocating a temporary user identification code to the user when a session with the wireless data network is open and wherein the temporary user identification code is de-allocated when the session is closed as taught by **Skubic, et al** for the purpose of anonymous communications between devices in the service support method of **Amin** in order to provide no clear indication of the particular user transmitting messages.

In addition, prior art reference that "teaches away" from the claimed invention is a significant factor to be considered in determining obviousness,, however, *"the nature of the teaching is highly relevant and must be weighed in substance. A known or obvious composition does not become patentable simply because it has been described as somewhat inferior to some other product for the same use."* *In re Gurley*, 27 F.3d 551, 554, 31 USPQ2d 1130, 1132 (Fed. Cir. 1994). Furthermore, *"the prior art's mere disclosure of more than one alternative does not constitute a teaching away from any of these alternatives because such disclosure does not criticize, discredit, or otherwise discourage the solution claimed.."* *In re Fulton*, 391 F.3d 1195, 1201, 73 USPQ2d 1141, 1146 (Fed. Cir. 2004). **Amin** does not does not "not criticize, discredit, or otherwise discourage the solution claimed.." **Amin** does not state that the cannot be modified by the teachings **Skubic, et al**.

Applicant's attorney has failed to provide the examiner any law case that backs up his arguments or even provide a shred of evidence to support his case, while the examiner has provide many citations in the law to support his rejection. Attorney arguments are a very poor substitution for evidence. Attorney arguments not supported by law is hollow and not convincing.

There is a very strong, even textbook, case of prima facie case of obviousness.

This application is **NOT** in condition for allowance.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

6. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


7. If applicants request an interview after this **final rejection**, prior to the interview, the intended purpose and content of the interview should be presented briefly, in writing. Such an interview may be granted if the examiner is convinced that disposal or clarification for appeal may be accomplished with only nominal further consideration. Interviews merely to **restate arguments** of record or to **discuss new limitations** which would require more than nominal reconsideration or new search will be denied.

8. If applicants wish to request for an interview, an *"Applicant Initiated Interview Request"* form (PTOL-413A) should be submitted to the examiner prior to the interview in order to permit the examiner to prepare in advance for the interview and to focus on the issues to be discussed. This form should identify the participants of the interview, the proposed date of the interview, whether the interview will be personal, telephonic, or video conference, and should include a brief description of the issues to be discussed. A copy of the completed *"Applicant Initiated Interview Request"* form should be attached to the Interview Summary form, PTOL-413 at the completion of the interview and a copy should be given to applicant or applicant's representative.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **WILLIAM D. CUMMING** whose telephone number is **571-272-7861**. The examiner can normally be reached on Monday-Thursday 11am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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